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## THE ITATA INCIDENT

1. *The Baltimore Affair of 1891, which nearly provoked war between the United States and Chile, was the direct outcome of the anti-United States feeling in Chile, in the growth of which, the Itata Incident was a very important factor.*

On the night of October 16, 1891, a fight broke out in Valparaiso between a mob of Chileans and a number of American sailors from the U. S. S. *Baltimore* then stationed in the harbor of Valparaiso under the command of Captain W. S. Schley.<sup>1</sup> As a result of this encounter one American sailor was killed, one subsequently died from the injuries received, and seventeen were wounded, five of them seriously.<sup>2</sup> In the report of the affair made to our Minister in Chile, Mr. Patrick Egan, Captain Schley stated that he believed that

the assault was instigated by Chilean sailors recently discharged from the transports, together with the longshoremen, and that it was pre-meditated.<sup>3</sup>

A copy of this report reached the State Department via the Navy Department, and on October 23, Mr. Wharton, acting for Secretary of State Blaine, advised Mr. Egan that he should bring to the attention of the Chilean Government the fact that the event had

very deeply pained the people of the United States, not only by reason of the resulting death of one of our sailors and the pitiless wounding of others, but even more as an apparent expression of unfriendliness toward this Government [i.e. the United States] which might imperil the maintenance of amicable relations between the two countries.

<sup>1</sup> Executive Documents of the House of Representatives for the 1st Session of the 52nd Congress, 1891-2. Vol. 34, no. 91, p. 105 (no. 2954). Throughout this report this document will be referred to as House Doc., page number only being given.

<sup>2</sup> *Ibid.*, p. 118.

<sup>3</sup> *Ibid.*, p. 116

It was further stated that

If the facts are as reported by Capt. Schley, this Government can not doubt that the Government of Chile will offer prompt and full reparation.<sup>4</sup>

Progress towards settlement was slowly made during November, it almost ceased in the early days of December,<sup>5</sup> and finally, on December 12, it came to a dead stop with the publication of a telegram from the Chilean Minister of Foreign Affairs, Sr. Matta, to the Chilean Minister at Washington, Sr. Don Pedro Montt, in which it was stated among other things that (referring to the actions of the United States representatives in Chile during the Civil War),

the instructions (recommending) impartiality and friendship have not been complied with, neither now nor before.

Proof of this is furnished by the demands of Balmaceda and the concessions made in June and July, *the whole Itata affair*, the *San Francisco* at Quintero, and the cable companies.<sup>6</sup>

and most striking of all,

The statement that the North American seamen were attacked in various localities at the same time is deliberately incorrect.<sup>7</sup>

In view "of the expectation that was held out of a withdrawal and suitable apology"<sup>8</sup> notice of "the palpable insults"<sup>9</sup> contained in this telegram was delayed<sup>10</sup> during the inauguration of the new President of Chile<sup>11</sup> and the formation of a cabinet with the members of which our Minister Mr. Egan had "excellent relations".<sup>12</sup> Two weeks, however, having passed without satisfaction being given, on January 17, 1892, Mr. Blaine wired that

<sup>4</sup> *Ibid.*, p. 107-8

<sup>5</sup> *Ibid.*, p. 172. Mr. Egan was then involved in disputes over his right to provide an asylum for political refugees.

<sup>6</sup> Italicized by the writer.

<sup>7</sup> House Doc. pp. 179-80

<sup>8</sup> *Ibid.*, p. 194

<sup>9</sup> *Ibid.*, p. 191

<sup>10</sup> *Ibid.*, p. 194

<sup>11</sup> *Ibid.*, p. 187. This took place on December 26, 1891.

<sup>12</sup> *Ibid*

the desired withdrawal by President Montt of everything of a discourteous character should be done freely and in suitable terms by Chile.

The message closed with the statement,

He [Mr. Blaine] enjoins prompt action.<sup>13</sup>

The "prompt action" enjoined was not forthcoming, with the result that January 21, 1892, Secretary Blaine wired Minister Egan,

I am now directed by the President to say that if the offensive parts of the dispatch of the 11th of December are not at once withdrawn, and a suitable apology offered with the same publicity that was given to the offensive expressions, he will have no other course open to him except to terminate diplomatic relations with the Government of Chile.

On January 25, 1892, President Harrison sent<sup>14</sup> a message to Congress submitting the correspondence between the Government of the United States and the Government of Chile from the time of the breaking out of the revolution against President Balmaceda, in which the President stated:<sup>15</sup>

In submitting these papers to Congress for that grave and patriotic consideration which the questions involved demand, I desire to say that I am of the opinion that the demands made of Chile by this Government should be adhered to and enforced.<sup>16</sup>

"This message of the President was looked upon by the American people as the precursor of a virtual declaration of war by Congress and it looked as if little Chile was doomed. For months previous to the sending in of the message, the most active preparations had been carried on in the navy-yards, in the fitting out of the cruisers, and the air on all sides was filled with talk of war and, in some instances, disapprobation of such a great

<sup>13</sup> *Ibid.*, p. 191

<sup>14</sup> *Ibid.*, p. 194

<sup>15</sup> *Ibid.*, p. III

<sup>16</sup> *Ibid.*, p. XIII.

nation as the United States going to war with such a weak nation as Chile, and a sister Republic".<sup>17</sup>

Fortunately, however, matters failed to reach the crisis which was foreshadowed. On the same day that President Harrison submitted his message to Congress, Minister Egan wired a reply from the Chilean Government<sup>18</sup> which lessened the tension; on January 30, 1892, Secretary Blaine wired Egan that

In the President's belief, it will be easy to reach a full and honorable adjustment of all unsettled matters.<sup>19</sup>

The President's belief was justified. After long and rather tedious negotiations the matter was settled on September 1, 1892, when Minister Egan reported to Washington the receipt of bills of exchange for \$75,000, a sum which the Chilean Government turned over to the United States in reimbursement of the injuries done to the American sailors in the Valparaíso riot.<sup>20</sup>

The importance of the *Itata* Incident in bringing about the ill-feeling which resulted in the *Baltimore* Affair is clearly attested. Our naval officials in Chilean waters early noted this fact, and continued to stress it until the final settlement of the *Baltimore* Affair.<sup>21</sup> Minister Egan stated unqualifiedly that

Since the unfortunate incident of the *Itata* the young and unthinking element of those who were in opposition to the Government [i.e. Balmaceda] have had a bitter feeling against the United States.<sup>22</sup>

<sup>17</sup> Thomas Campbell-Copeland, *Harrison & Reid, their lives and Records* (New York, 1892), p. 197. For a longer account based on statements of Secretary Tracy, see William Eleroy Curtis, *Between the Andes and the Ocean* (Chicago, 1900), pp. 411-13.

<sup>18</sup> *Papers relating to the Foreign Relations of the United States, transmitted to Congress with the Annual Message of the President* (Washington, 1892), p. 309. This volume will be referred to as "For. Rel." page number only, being given.

<sup>19</sup> *Ibid.*, p. 312.

<sup>20</sup> For. Rel., 1893, pp. 58-69.

<sup>21</sup> House Doc., pp. 251-3, 271-2, 290, 325-7, 388, 587. Robley D. Evans, *A Sailor's Log* (New York, 1911), p. 266.

<sup>22</sup> For. Rel., 1892, p. 163. See also House Doc. p. 77.

Numerous contemporary writers for newspapers and magazines brought out the same idea,<sup>23</sup> and it has been repeated by later writers regarding things Hispanic-American.<sup>24</sup> Of these last, Mr. John Bassett Moore, in his article "The Chilean Controversy" gives what is probably the clearest and best tempered statement.<sup>25</sup>

In the knowledge of the writer, no detailed treatment has ever been made of the *Itata* Incident. In many general accounts errors appear which, while in some cases not vital, are of such character that if American history is to be written accurately they should be corrected.<sup>26</sup> Finally, since the *Itata* Incident was a factor in an event which nearly brought us into war with Chile, an account of it should be of interest to all students of the history of the United States and Hispanic America.

2. *The Itata Incident was the result of an attempt on the part of the Chilean Congressional Party to secure, in the United States, the arms needed by them in the prosecution of their struggle with*

<sup>23</sup> George L. Dyer, in *California Illustrated Magazine*, I. (1892), 138. H. Perry, in *San Francisco Evening Bulletin*, November 2, 1891. Letter of June 15 to the *New York Times*, reprinted in the *San Francisco Evening Bulletin*, July 11, 1891.

<sup>24</sup> William Eleroy Curtis, *The United States and Foreign Powers*, New York, 1899, pp. 90-1; Davis Kirk Dewey, *National Problems*, "American Nation series", vol. 24, New York, 1907, p. 215.

<sup>25</sup> John Bassett Moore, "The Chilean Controversy", in *Political Science Quarterly* (1893) 469.

<sup>26</sup> Harry Thurston Peck, "Twenty years of the Republic—A Spirited Foreign Policy"—in *Bookman*, XXI. (1905), 369; William Eleroy Curtis, *Between the Andes and the Ocean*, p. 409; John Bassett Moore, *ut supra*, pp. 468-469. *The Americana* (New York, 1919), XV. 557; Davis Kirk Dewey, *ut supra* p. 215; Albert Bushnell Hart, *Practical Essays on American Government* (New York 1894), p. 110; Brigadier General G. G. Aston, C. B., *Letters on Amphibious Wars* (London, 1911), p. 13; Sir William Lairds Clowes, *Four Modern Naval Campaigns* (New York, 1902), pp. 150-152. It is impossible to quote here all the passages referring to the *Itata* Incident; the prevalent errors can best be illustrated by quoting one sentence from Prof. Hart's essay on "The Chilean Controversy". On page 110 of the above mentioned book he states: "This feeling rose to great excitement when it was announced that the *Itata*, a merchant steamer chartered by the Congressionalists, on May 5th, 1891, had slipped out of a California port with arms on board". The italics are by the writer of the present article. As will appear later, the *Itata* was not chartered but seized by the Congressionalists, it made its escape on May 6, not May 5, and the arms which played such a part in the affair, were not received by the *Itata* until either the 7th or 9th of May.

*President Balmaceda during the Chilean Civil War, January to September, 1891.*

Sr. Don José Manuel Balmaceda was installed as President of Chile on September 18, 1886, for a term of five years. Popular at first, it was not long before he encountered serious opposition. His political theories, which were based on a desire for a government by the masses, were opposed by the aristocracy, capitalists, and clergy.<sup>27</sup> His proposed reforms were aimed at the nepotism then prevalent in Chile and naturally were not received with favor by the governing class.<sup>28</sup> His expenditures on railroads, hospitals, schools, and other public works, were bitterly criticized.<sup>29</sup> Finally, his desire to secure for the Chileans themselves the benefits to be obtained from the development of their natural resources excited against him the ill-will of the foreign companies whose monetary gains would be affected by a policy of "Chile for the Chileans".<sup>30</sup>

Balmaceda was unmoved, however, by this storm of criticism, and, towards the end of his administration, in order to make certain that his policies would be carried out, took steps to secure the election of one of his followers.<sup>31</sup> By refusing to pass the estimates necessary for the continuance of the financial administration of the government, the opposition majority, during the last year of his term, attempted to force its will on Balmaceda.<sup>32</sup> The president met this move by closing the extraordinary session called in the latter months of 1890,<sup>33</sup> by refusing to call a new session, and by issuing, on January 1, 1891,

<sup>27</sup> *Saturday Review*, LXXI. (1891) 521-522.

<sup>28</sup> Anson Uriel Hancock, *A History of Chile* (Chicago, 1893), p. 330.

<sup>29</sup> Hancock, *ibid.*, p. 331; C. de Varigny, "La Guerre Civile au Chile", in *Revue des Deux Mondes*, CVIII. (1891) p. 409; "The Chilean Revolution" by an Old Resident, in *Contemporary Review*, LX. 127.

<sup>30</sup> Maurice H. Hervey, *Dark Days in Chile* (London, 1892), p. 105. For an excellent review of this book see, *Saturday Review* (1892), 732.

<sup>31</sup> Pedro Montt, *Exposition of the Illegal Acts of Ex-President Balmaceda* (Washington, 1891), p. 8; Ricardo L. Trumbull, "The Chilean Struggle for Liberty", in *Forum*, XI. (1891), 645; House Doc. p. 1.

<sup>32</sup> Hancock, *ut supra*, p. 336.

<sup>33</sup> House Doc., p. 3.

a manifesto declaring his intention to rule under the old estimates until the new elections due to take place that year could be held.<sup>34</sup>

The same day a rump parliament was formed which declared Balmaceda deposed;<sup>35</sup> on the 6th of January the navy was placed under the command of Don Jorge Montt;<sup>36</sup> on the 7th of January President Balmaceda declared that martial law existed;<sup>37</sup> and on the 8th day of January Chile was in a state of civil war. By the end of January, the congressional party had secured control of practically all the navy, while Balmaceda had retained the support of the army.<sup>38</sup>

The loyalty of the army to the president made it impossible for the congressional forces to make any headway in the southern part of Chile and in the vicinity of the capital, with the result that they turned their attention towards the north. Iquique, the center of the nitrate region, was occupied February 16. On March 7, the battle of Pozo Almonte gave them possession of all of Tarapacá. During the latter part of the month the province of Antofagasta was cleared of Balmacedists, Tacna was taken in April, and by the end of May, Atacama was in their power.<sup>39</sup>

At the close then of the nitrate campaign, the situation in Chile was as follows. Balmaceda was supreme, on the land, in the south. This supremacy availed him nothing, however, as regards putting down the uprising in the north because of the fact that the topography of the intervening country made it impossible to transport an army to the regions held by the congressional party without the support of sea forces,<sup>40</sup> and these Balmaceda did not have. On the other hand, although the congressional party had a navy, they did not have the arms and

<sup>34</sup> *Memorandum de la Revolución de 1891* (Santiago, 1892), pp. 7-25. This manifesto is translated in House Doc., pp. 5-15.

<sup>35</sup> *Ibid.*, pp. 25-30.

<sup>36</sup> *Ibid.*, pp. 31-32.

<sup>37</sup> *Ibid.*, pp. 32-33.

<sup>38</sup> Hancock, *ut supra*, pp. 340-341; *Mem. de la Rev.* pp. 1-6.

<sup>39</sup> Pedro Montt, *ut supra*, pp. 20-21.

<sup>40</sup> Isaiah Bowman, *South America, a Geography Reader* (New York, 1915), pp. 120-121.



ammunition necessary for the equipment of an army which could drive Balmaceda and his forces out of the central and southern portion of Chile. The struggle thus resolved itself into a race. Balmaceda was striving to secure ships while the congressional party was attempting to purchase arms, success being assured to the side which should attain its desiderata first.<sup>41</sup>

In this race the congressional party really had the better of it. By getting control of the nitrate region they had deprived Balmaceda of his principal, and almost only source of revenue. The export duties were said to amount to approximately \$1,250,000 a month.<sup>42</sup> Furthermore, inasmuch as they had control of the sea, and as long as they could keep it their problem was merely the matter of obtaining arms in foreign countries and transporting them to Iquique which they had made the center of their operations.

Accordingly then, Ricardo (*i.e.*, Richard) Trumbull was sent to the United States for the purpose of purchasing arms. This selection was a most happy one. Descendant of that Jonathan Trumbull who was the original "Brother Jonathan",<sup>43</sup> nephew of the well known middle westerner Lyman Trumbull,<sup>44</sup> a graduate of Yale College, thirty-one years of age,<sup>45</sup> speaking English like an Englishman<sup>46</sup> Trumbull proved himself worthy of the confidence which had been reposed in him. He arrived in New York, March 5, 1891, and immediately put himself in touch with the well-known firm of W. R. Grace & Co.<sup>47</sup> Through

<sup>41</sup> Aston, *ut supra*, p. 5.

<sup>42</sup> House Doc., p. 254.

<sup>43</sup> Hart, *ut supra*, p. 102.

<sup>44</sup> Information obtained in an interview with Mr. George Denis, counsel for the defendant in the case U. S. vs. Trumbull, 48 Fed. Rep. 99.

<sup>45</sup> Yale University Obituary Record, New Haven, June, 1894.

<sup>46</sup> See *Daily Alta California*, May 12, 1891.

<sup>47</sup> Luis Bañados Espinoza, *Balmaceda—su gobierno y la revolución de 1891* (Paris, 1894), 407. The part which the firm of W. R. Grace & Co., played in the purchase of the arms and ammunition which were to become the cargo of the *Itata* still remains to be solved. The writer communicated with the company in quest of information and received a courteous reply on December 3, 1921, to the effect that neither the firm, nor Mr. W. R. Grace, assisted Ricardo A. Trumbull in the purchase of military supplies. However, the name of the firm appears everywhere that one looks for information regarding the purchase of the arms in

W. W. Reynolds of Hartley & Graham, 17 Maiden Lane, N. Y.<sup>48</sup> Trumbull purchased 2,000 cases of U. M. C. rifle ammunition, .43 caliber, 1,000 rounds per case, and 250 cases of rifles, part Remington and part Lee Magazine, .11 gauge, 200 to the case.<sup>49</sup> Arrangements were made by Trumbull with George A. Burt to ship the arms from New York to San Francisco or Oakland from which it was intended that they should be delivered to a steamer sent from Chile to transport the arms to Iquique.<sup>50</sup> This done, Trumbull advised the Junta in Iquique of the state

question. Sr. Bañados Espinoza, quoting from the "Exposición de Trumbull", which the writer has not been able to come upon as yet, says (translation), "William R. Grace, a man of great prestige, ex-mayor of New York, worked in the cause of the Constitutional Party with decision and enthusiasm for which we can never thank him enough" (p. 408). The *Daily Alta Californian* of May 7, published a telegram from the *Chicago InterOcean* which quoted its Washington correspondent as saying that it was supposed Trumbull bought his arms from W. R. Grace & Co. The *Los Angeles Times* of May 8, printed a dispatch from San Diego to the effect that the drafts presented to the local bank by the captain of the *Itata* were not cashed until communication had been made with W. R. Grace & Co., which firm replied that the drafts were good. On September 10, the *San Francisco Evening Bulletin* printed the following, "The *Star* (of Washington, D. C.) this afternoon prints a statement that the *Itata* is to be returned to Chile in accordance with terms of a compromise effected at a conference between ex-Mayor Grace of New York and the Chilean Congressional Representatives on the one hand, and Secretary Tracy and Attorney General Miller on the other". On October 9, a subpoena to appear as a witness on behalf of the United States government in the case of U. S. vs Trumbull was served on John W. Grace of Hanover Square, New York where are located the home offices of this Company (no. 242, United States District Court, Southern District of California, U. S. vs. Ricardo Trumbull, Papers in the case, Office of the Clerk of the District Clerk, Federal Bldg., Los Angeles, California.) The writer was permitted to examine the papers on file in the office of the District Clerk in Los Angeles. These papers will hereafter be referred to by the number of the case, title of the case, and the note "Papers in the Case"). Finally, on December 30, Minister Egan reported to Washington that the Chilean government, the Congressional Party of this report, had received from Grace & Co. information as to the intention of the United States Government to deliver an ultimatum (For. Rel., 1891, p. 284). In all probability the firm of W. R. Grace & Co., never permitted itself to have *official relations* with the representatives of the Congressional Party, but it may well be that *unofficially* members of the firm sympathized with the aims of the Congressional Party and furthered its interests.

<sup>48</sup> No. 242, U. S. vs Trumbull, Papers in the Case. Praeipce for witnesses.

<sup>49</sup> House Doc., p. 270.

<sup>50</sup> No. 242, U. S. vs Trumbull, Papers in the case, Praeipce for witnesses.

of affairs and received word that the *Itata* would set sail immediately.<sup>51</sup>

The *Itata*, built in England in 1873, was an iron steamer with screw propeller and compound engines, capable of making between nine and ten knots per hour.<sup>52</sup> It was the property of the Compañía Sud Americana de Vapores but had been taken over by the congressional party on January 16, in the harbor of Valparaíso.<sup>53</sup> The *Itata* left Arica bound for San Diego, California, April 8,<sup>54</sup> and arrived at its destination on May 3, 1891.<sup>55</sup>

The arrival of the steamer at San Diego excited some little comment, but when interviewed, the commanding officer, Captain Manzenn,<sup>56</sup> gave out a most innocuous story, well calculated to allay the suspicions of any hearer. As reported in the newspapers<sup>57</sup> he stated that the *Itata*, hailing from Iquique had put into San Diego for provisions and possibly coal. He was bound for San Francisco with a full complement of passengers and some merchandise. The ship was owned by W. R. Grace & Co.,<sup>58</sup> under whose orders it had come to San Diego, and, on leaving San Francisco, the intention was to go to Vancouver where the ship would lay up for repairs.<sup>59</sup>

On May 4, the harbor authorities gave the *Itata* the right to take on ballast, cargo, and coal,<sup>60</sup> and during that day and the

<sup>51</sup> Bañados Espinoza, *ut supra*, II. 408.

<sup>52</sup> *Daily Alta Californian*, May 11, 1891.

<sup>53</sup> No. 248, U. S., vs. *Itata*, Papers in the case, Government Exhibit A.

<sup>54</sup> *Mem. de la Rev.*, p. 148.

<sup>55</sup> Bañados Espinoza, *ut supra*, II. 408.

<sup>56</sup> This name appears with various spellings. That adopted is the one used by Captain Tejeda of the *Itata*, the actual commander of the steamer (Captain Manzenn being only the dummy commander), in his "Parte", *Mem. de la Rev.*, p. 407.

<sup>57</sup> *Daily Alta Californian*, May 5, 1891.

<sup>58</sup> This statement was immediately denied by W. R. Grace & Co. who gave out the information that they were merely the agents for the Compañía Sud-Americana de Vapores, the real owners of the *Itata*.

<sup>59</sup> The Report and Manifest of the *Itata*, as received at the office of the Collector of the Port of San Diego, stated that the *Itata* was bound for Victoria, via San Francisco, with a cargo and stores valued at \$10,163.85. (No. 242, U. S. vs Trumbull, Papers in the case, Government Exhibit, No. 8.)

<sup>60</sup> No. 248, U. S. vs *Itata*, Papers in the case, Government Exhibit No. 1.

next the ship's crew went merrily about their tasks. The work of loading supplies and of coaling progressed to such an extent that it seemed the *Itata* would be ready to leave the evening of the 5th or the morning of the 6th. The captain's plans, however, were badly disarranged by the visit of the United States marshall, Major George R. Gard, on the evening of May 5; as a result of this visit the captain and the vessel were placed under arrest, and a deputy left on board to retain possession of the *Itata* in behalf of the United States authorities.<sup>61</sup>

The seizure of the *Itata* marks the beginning of what may be called the "*Itata* Incident".

3. *The detention of the Itata was ordered by the United States Attorney General as a result of the allegations made by the Balmaceda representative in Washington to the effect that the Itata was in American waters for the purpose of committing acts which would constitute a breach of the United States neutrality laws.*

Shortly after the arrival of Mr. Trumbull in the United States, the Balmaceda representative in Washington, Sr. Don Prudencio Lazcano, approached Mr. Blaine, then secretary of state, with the information that the Balmaceda Government had issued a decree prohibiting the import into Chile of arms and ammunition, stating that he was especially moved to make this communication because of

the arrival in New York of an agent of the Chilean insurrectionary force for the purpose of purchasing in this country, arms and munitions of war to maintain the rebellion in Chile.<sup>62</sup>

Mr. Lazcano, however, lost the first round of the fight which he started to prevent the shipping of munitions to Chile. Mr. Blaine answered him to the effect that our laws did not prohibit the export of arms in accordance with international law, and further advised him that our laws were put in force upon application to the courts invested with power to enforce them.<sup>63</sup>

But this rebuff did not deter the tenacious Mr. Lazcano.

<sup>61</sup> *Daily Alta Californian*, May 6, 1891.

<sup>62</sup> For. Rel, 1892, p. 314.

<sup>63</sup> *Ibid.*, pp. 311-315.

Through detectives he found out the plans of the congressional party to ship the arms and ammunition to California, and with the efficient aid of Mr. John W. Foster, who was retained as counsel by the Balmacedist party, he returned anew to the fight.<sup>64</sup>

In the meantime, the arms in question had been shipped to Oakland, where on April 21,<sup>65</sup> they were loaded on a schooner called the *Robert & Minnie* which had been in the coasting trade, habitually running between San Francisco and Humboldt.<sup>66</sup> As it sailed under a coasting license, the *Robert & Minnie* was free to go and come between American ports without entering its manifest; there was, therefore, no reason for the harbor authorities in San Francisco to pay any especial attention to its cargo. The loading was done in broad daylight at the Oakland mole.<sup>67</sup> On May 23, the captain of the vessel signed a receipt for the cargo

to be delivered at such port on the southern coast of California, U. S. A. as may be designated by charterers' agents,<sup>68</sup>

and at 6:00 A.M., towed by the *Vigilant*, the *Robert & Minnie* started for the neighborhood of Catalina Island. Previous to its departure, the customs officials had seemed suspicious of the actions of the *Robert & Minnie*, but they did nothing to hinder its departure.<sup>69</sup>

As soon as Mr. Lazcano heard of the plan to ship the arms from San Francisco on the *Robert & Minnie*, he went to the State Department asking that through the proper legal channels the cargo should be detained.<sup>70</sup> In the meantime, the *Robert & Minnie*, which had been hovering around Catalina, was boarded by customs officials from Wilmington, who reported to Washington that the schooner was loaded with Remington rifles and cartridges in charge of a man named "Brush" (really Burt) who

<sup>64</sup> John W. Foster, *Diplomatic Memoirs* (New York, 1909), II. 289.

<sup>65</sup> 47 Fed. Rep. 85.

<sup>66</sup> *San Francisco Evening Bulletin*, May 8, 1921.

<sup>67</sup> *Daily Alta Californian*, May 11, 1891.

<sup>68</sup> No. 242, U. S. vs Trumbull, Papers in the case, Government Exhibit No 7.

<sup>69</sup> *Daily Alta Californian*, May 11, 1891.

<sup>70</sup> Bafiados Espinoza, *ut supra*, II. 409.

refused to say for whom the arms were destined.<sup>71</sup> Nothing was done by them, however, for they were advised the same day, May 2, that there was no reason for interference in the transfer of arms from the *Robert & Minnie* to a transport for reshipment.<sup>72</sup>

The agitation of Mr. Lazcano in Washington began to bear fruit on May 4. A long wire to the United States district attorney in Los Angeles, Mr. Willoughby Cole, gave him the facts as they had been outlined to the State Department by Mr. Lazcano and ordered him to prevent the sailing of the *Robert & Minnie* from Wilmington and to investigate fully.<sup>73</sup>

At this point the hand of Mr. Lazcano's *deus ex machina*, John W. Foster, first appears openly. He sent Judge A. Brunsen of Los Angeles a request to coöperate with the district attorney respecting the detention of the vessel and arms destined for the Chilean insurgents,<sup>74</sup> following this wire with another the next day, stating

Insurgents steamer *Itata* subject to seizure under section 4297, see 25 Fed. Rep. Important detain by legal proceeding even if eventually defeated. Attorney General will not object.<sup>75</sup>

Before the orders as to the detention of the *Itata* reached Mr. Cole, the *Robert & Minnie* had left the vicinity of Catalina Island. Accordingly May 4, Attorney General W. H. Miller wired Cole:

Am advised Schooner *Robert & Minnie* has left Wilmington and that insurgent war vessel has come into San Diego. Probably the two are to meet. Have Marshal at San Diego watch schooner and detain her.<sup>76</sup>

<sup>71</sup> *Daily Alta Californian*, May 3, 1891.

<sup>72</sup> *Ibid.*

<sup>73</sup> For the preparation of this article the writer was so fortunate as to receive the kind assistance of Mr. Seward Cole, of Los Angeles, who very generously made available the use of a file of papers relating to the *Itata* incident which had been preserved among his brother's effects. Documents thus made use of will be referred to as "Cole Papers". See *Daily Alta Californian*, May 7, 1891.

<sup>74</sup> Cole papers,

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.* This information was probably given to the attorney general by Mr. Lazcano orally, for his written communication as published in For. Rel., 1892, p. 316, bears the date of May 5.

to which Cole replied the next day:

Best way to secure schooner *Robert & Minnie* is to detain steamer *Itata*. Shall it be done? Please telegraph me authority to go to San Diego.<sup>77</sup>

Not wishing to leave any stone unturned, Mr. Lazcano evidently took the matter up with the Treasury Department also for on the morning of May 5, the collector of customs at San Diego received orders to detain the *Robert & Minnie*, and watch the *Itata*, followed by another message in the afternoon ordering the detention of both ships.<sup>78</sup>

In the meantime, Judge Brunson must have taken the matter up with Mr. Cole for at 12:30, on May 5, Marshal Gard in San Diego received a message from Los Angeles signed by Frank Flint,<sup>79</sup>

Be prepared to seize the *Itata* within the next hour or two. Brunson acting with the United States Attorney advises this upon information from Washington and by consent of the Attorney General.<sup>80</sup>

confirmation of which from Cole was received by the marshal at 12:56.<sup>81</sup>

Later on in the day, Mr. Cole evidently became fearful that the information which had come through Mr. Foster might not be authoritative for at 1:28 a message reached San Diego addressed to Marshal Gard,

Don't seize steamer *Itata* unless necessary to prevent leaving port.<sup>82</sup>

This message came too late for the purpose. That afternoon Marshal Gard wired Cole:

Pursuant to your previous orders I seized the Chilian Steamer *Itata*, and placed deputy in charge and all ready to start with tug for *Robert &*

<sup>77</sup> Cole papers.

<sup>78</sup> *Ibid.*

<sup>79</sup> Frank P. Flint, later senator from California, was a clerk in the office of the United States Marshal, Los Angeles, Cal., 1888-1892. (*Who's Who in America*, 1920-21, p. 971.)

<sup>80</sup> No. 242, U. S. vs Trumbull, Papers in the case, Government Exhibit No. 2

<sup>81</sup> *Ibid.* Government Exhibit, No. 3.

<sup>82</sup> *Ibid.* Government Exhibit, No. 1

*Minnie* when received your telegram to await further orders. Have not released nor disclosed your telegram to Captain. Must have positive instructions before twelve to-morrow or will release ship and she will sail. Instruct me promptly. Delay is dangerous.<sup>83</sup>

Cole replied, still advising delay until he could hear further from Washington.<sup>84</sup> He also wired Washington for definite instructions as to the seizure of the *Itata*.<sup>85</sup>

Later Cole decided to go to San Diego without waiting for instructions from Washington, which he did, and there the next morning received the following wire from Mr. Miller, dated May 6,

Of course go to San Diego. My information is that the *Etata* and *Robert & Minnie* are acting [in] concert with a view to hostilities against the Government of Chile, that the *Etata* is to take from the *Robert & Minnie* its cargo of arms and munitions. Detain and libel both vessels and especially the cargo of arms and munitions.<sup>86</sup>

During the afternoon of May 5th both Marshal Gard and Customs Officer Berry had gone in search of the *Robert & Minnie* but without success.<sup>87</sup>

The morning of the 6th, Gard received orders direct from Miller to detain the "*Etata*" and seize the *Robert & Minnie*.<sup>88</sup> The attorney general at this time evidently began to be worried as to the legal aspects of the question, for in the above message information was solicited as to the kind of flag which the *Itata* was flying, and in the afternoon two messages were received by the marshal advising him not to use force in the seizure of the *Robert & Minnie*, and not to "attempt seizure outside our league limit".<sup>89</sup>

<sup>83</sup> Cole papers.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Daily Alta Californian*, May 6, 1891.

<sup>88</sup> No. 242 U. S. vs Trumbull, Papers in the case, Government Exhibit, No. 4.

<sup>89</sup> *Ibid.*



The loading of supplies on the *Itata*, as mentioned above was carried on rapidly during the 5th and 6th.<sup>90</sup>

About 4:00 on the afternoon of the 6th, Marshal Gard went on another fruitless chase of the *Robert & Minnie* which immediately went into Mexican waters. Scarcely had the marshal's tug left the harbor when the *Itata* weighed anchor and at 5:00 quietly steamed out of the bay. In a short time it disappeared, apparently headed north.<sup>91</sup> With the escape of the *Itata* a new phase of the *Itata* Incident came into being.

4. *The escape of the Itata was considered an affront to the dignity of the United States, an affront which was finally removed by the peaceful delivery of the Itata into the custody of the United States cruiser Charleston which had unsuccessfully given chase to it, and its return, together with its cargo, to the port of San Diego.*

On the evening of May 6, Mr. Cole sent the unwelcome news to the attorney general.

Gard has left on tug to bring in *Robert & Minnie*. The *Itata* although seized sailed shortly after Gard left.<sup>92</sup>

As is to be expected, on the morning of the 7th, the papers of the country were full of accounts regarding the escape of the *Itata*. The deputy marshal who had been placed on board the *Itata* was put ashore at Ballast Point by the captain of the *Itata* shortly after the latter left the bay. From this point, he succeeded in reaching San Diego the evening of the escape. He was eagerly interviewed by the representatives of the press, and the story he told showed that when the government acquired Mr. Spaulding for deputy marshal, the literary world lost a prime romancer:

Deputy Spaulding says the first intimation he had of the vessel's preparations to leave was hasty movements on the part of the crew, and when the captain invited him to his cabin from the dining-room,

<sup>90</sup> These consisted of 40 head of cattle, 25 head of sheep, 3,000 lbs. dressed meat and 800 tons of coal, the last named from Spreckels' bunkers. See *San Francisco Evening Bulletin*, May 6, 1891.

<sup>91</sup> *Daily Alta Californian* May 7, 1891.

<sup>92</sup> Cole Papers.

he was surprised to find the steamer under full headway. He then made the following statements:

"Going into the captain's cabin, I was joined by three passengers. They exhibited revolvers and asked me if I was armed, Capt. Manzeum acting as spokesman. He then said, 'I have contraband goods on board and it is life or death with me.' I was so dumfounded that I could not answer. He then called two of the Chilean crew and they stood guard near the door, each armed with revolvers and a rifle. He then told me not to be alarmed, but that if I went out of the cabin during his absence he would not be responsible for what would happen. He told me also that if I attempted to give a sign or to jump overboard he would not be responsible for the result.

"About this time I noticed them lifting out of the hold four small steel cannons which they immediately after placed in position on the upper deck, three of them on the forward part of the vessel and one aft. All four of which guns they loaded in my presence. The captain then stated that he intended putting me off at Ballast Point. He then led me out of the cabin followed by his companions, each taking their revolvers.

"On reaching the bridge I found on the deck below 100 Chileans, all armed to the teeth, each having a repeating rifle and revolver, dressed in a uniform consisting of red cap and jackets.

"The captain laughed and said: 'See, we have changed to a man-of-war.' I looked at the pilot and said, 'Are you going to guide the ship out?' The captain spoke up and said: 'No,' (exhibiting a revolver), 'this is going to guide it.'

"By this time we were nearing the entrance to the harbor, and the captain gave orders to the crew to put over a ladder, which he escorted me to and said, 'You must excuse me for putting you to this annoyance, as I am not in command of this ship.' The *Itata* then passed out of the bay, heading north."

Another version of the escape of the *Itata* was sent out from San Diego at the same time, a version which later events proved to be more near the truth than that given by the romancing deputy marshal.

The story about cannon and small arms aboard the *Itata*, also about Pilot Dill's standing at the helm between armed men is moonshine. The *Itata* was searched by the customs' officers and had no arms or

armament except the small guns usual for firing signals. Pilot Dill was aboard voluntarily and by prearrangement. Spencer (i.e. Spaulding) was put off in the pilot boat at the entrance to the harbor.

Marshal Gard wants to make it appear that the *Itata* was formidable so as to let himself down easy for permitting her to escape. He claimed to have orders to detain her by any means, yet allowed her to lie in the stream two days with steam up, and did nothing either to draw her fires or tie up her machinery. He drank champagne with her captain. The Marshal is a butt of ridicule here for talking so loud about what he was authorized to do to detain the *Itata* and then doing nothing but put a man aboard to

### PLAY BEAN POKER

and drink fine wines while the Marshal himself steamed around the bay and outside the heads in an old tug that couldn't make over five miles an hour with four soldiers from the barracks to defend him and a lot of newspaper men to exploit his wonderful official achievements.

The *Itata* no doubt went to San Clemente.<sup>93</sup>

On May 7, Mr. Cole sent a long wire to Mr. Miller giving him the main details of Deputy Spaulding's account and suggesting that the *Charleston* which was then at San Francisco and the *Omaha* which had just arrived at San Diego from Acapulco, be sent to apprehend the fleeing *Itata*.<sup>94</sup>

On the 8th of May the papers were still full of the story of the escape of the *Itata* and although the attorney general refused to indicate what steps had been taken since the escape of the two vessels, it was generally felt that the *Itata* would be captured if possible. As the *Itata* had been seized by the United States it was held that it was technically United States property until discharged, and was therefore liable to recapture on the high seas by a United States man-of-war, or to confiscation if it ever entered a United States port. The case of the *Alabama* was still fresh in the minds of international lawyers and it was feared that the Chilean government might hold the United States liable for lack of diligence in the enforcement of its neutrality

<sup>93</sup> *Los Angeles Times*, May 8, 1891.

<sup>94</sup> Cole Papers.

laws if the *Itata* should succeed in delivering its cargo of arms and ammunition to the congressional party.<sup>95</sup> Word was received from Valparaiso that the *Itata* had been taken by force from its rightful owners,<sup>96</sup> and it was thought that this statement would be useful in attempting to fasten the crime of piracy upon the *Itata*.<sup>97</sup> Deserters from the *Itata* were found in San Diego and from them it was discovered that the *Itata* had been escorted on its trip north as far as Cape San Lucas by the congressional warship *Esmeralda*. At Cape San Lucas, the captain and a number of the crew of the *Esmeralda*, together with a few arms, had been transferred to the *Itata*<sup>98</sup> and this it was thought could substantiate the opinion that the *Itata* should be classed as a transport. Finally, it was categorically stated by the papers that the *Charleston* had orders to sail immediately in pursuit of the runaway.<sup>99</sup>

In spite of the newspapers, the *Charleston* did not sail on the 8th, due it was said to the countermanding of the orders on receipt of advices from Admiral McCann, the officer in command of the United States warships then in Chilean waters.<sup>100</sup> The papers, however, did not lack for news; on the evening of the 9th the *Robert & Minnie* put in near San Pedro to land Pilot Dill. She was sighted by Deputy Marshal Anderson who collected a posse and gave chase in the tug *Falcon*. The schooner was overhauled and brought to San Pedro where it was tied up to the wharf. The pilot and George Burt were placed under arrest but refused to say anything. It was found, nevertheless, that there was not a cartridge or rifle aboard the *Robert & Minnie* and it was thus known that the vessel had either unloaded its cargo at a point on some island where it could be picked up by the *Itata*, or else had transhipped it directly to the *Itata*, in which case the latter, by this time, would be bowling along on its way towards Iquique.<sup>101</sup>

<sup>95</sup> *Los Angeles Times*, May 8, 1891.

<sup>96</sup> *For. Rel.*, 1892, p. 122.

<sup>97</sup> *San Francisco Evening Bulletin* June 9, 1891.

<sup>98</sup> *Daily Alta Californian*, May 8, 1891; 48 *Fed. Rep.* 101.

<sup>99</sup> *Daily Alta Californian*, May 8, 1891.

<sup>100</sup> *Ibid.*, May 9, 1891.

<sup>101</sup> *Ibid.*, May 10, 1891.

In the meantime the legal difficulties involved in the recapture of the *Itata* were giving the government food for thought. These were neatly summed up by Chief Justice William Howard Taft, then solicitor general, who had been summoned to San Diego by the illness of his father, in three questions which, Yankee-like, he put to the reporter who was interviewing him. "1. The *Itata* surely violated the law when she sailed, but, can a United States man-of-war recapture her? 2. Was the United States Deputy Marshal remiss in his duties in allowing the vessel to remain in the bay under full steam? 3. If the *Itata's* papers were in good form, should the Collector of Customs have investigated for the presence of arms?"<sup>102</sup> To add to the puzzlement of the public it was reported that while Attorney General Miller and Secretary Tracy of the navy department both thought the *Itata* could be recaptured, the rest of the administration did not think so.<sup>103</sup> It was further reported that the navy department was not exercising itself for the recapture of the *Itata*. The hope was expressed that the *Itata* did not start for Chile. It appeared to Washington, according to the newspapers, that the *Itata* did not receive the arms from the *Robert & Minnie* and the report was prevalent that the *Itata* had gone north; it was generally believed, however, that it was lurking near San Diego.<sup>104</sup>

Not till the 11th of May did the authorities at Washington give out any definite information as to what had been planned. Mr. Raymond, secretary to Mr. Tracy, advised the press then that orders had been sent the *Charleston* and the vessels in South Pacific waters to overtake and seize the *Itata* wherever it might be found. Further details could not be obtained and the newspapers were left to draw upon the imagination, which, it goes without saying, was done in characteristic American fashion.<sup>105</sup>

As an actual fact, these instructions were sent out May 8 and 9.<sup>106</sup> Captain Remy, of the *Charleston*, received his orders,

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*, May 9, 1891.

<sup>104</sup> *Ibid.*, May 10, 1891.

<sup>105</sup> *Los Angeles Examiner*, May 11, 1891.

<sup>106</sup> House Doc., p. 250.

which were substantially the same as was announced to the press, at 7:30 P.M. of the 8th. They were deciphered by midnight and the next morning at 4:45 pursuit was commenced. Captain Remy was hindered by fog off Point Concepcion with the result that he did not reach San Pedro till 8:00 of the evening of the 10th.<sup>107</sup>

At San Pedro, Captain Remy learned from the commander of the *Omaha* that the *Robert & Minnie* had been seized; since, therefore, that part of his instructions regarding the capture of the schooner was now null, he left the next morning for Acapulco. He hoped that inasmuch as the *Esmeralda* was expected at Acapulco to join the *Itata*, he could head the *Itata* off before the two ships could effect a junction. At noon of the 11th,<sup>108</sup> the *Charleston* was reported passing Coronado and late that night the S. S. *Crescent City*, which arrived at San Diego on the 12th, reported having spoken the *Charleston* the previous evening about ten miles below Ensenada.<sup>109</sup>

For the next five days both the *Itata* and the *Charleston* were lost to the world; consequently, Dame Rumor was called upon to supply the lack of news. Right nobly did she respond to the obligations thrust upon her. Washington reported on the 13th that the *Esmeralda* was at Acapulco and thereupon much concern was manifested as to whether or not a quasi-recognition would be granted the congressional party. This worry was put to rest by a dispatch from Mexico City to the effect that steps had been taken so that when and if the *Itata* should reach any Mexican port it would not be allowed to land. At the same time, Mexico City learned that the *Itata* was sailing under diffi-

<sup>107</sup> House Doc., pp. 255-256. In the cable sent by Captain Remy to the Navy Department there is a conflict of dates. He states in one place that he arrived at San Pedro on the 9th, in another, on the 10th. The latter agrees with the time necessary to cover the distance between San Francisco and San Pedro, especially as he says he was delayed by fog, and also investigated the anchorages near the different islands on the way down. This date also coincides with the newspaper accounts. See *Daily Alta Californian*, May 11, 1891.

<sup>108</sup> *Daily Alta Californian*, May 12, 1891.

<sup>109</sup> *Ibid.*, May 13, 1891. Ensenada is a bay in the upper part of Lower California, just south of Lat. 32°N.

culties, that the *Charleston* was gaining on it, and that it was expected that the two ships would reach Acapulco within a few hours of each other.<sup>110</sup>

This news gave rise to a number of interesting questions. If the *Charleston* were to overtake the *Itata* could it sink that vessel as a pirate on the ground that the *Itata's* flag represented no constituted authority?<sup>111</sup> There was doubt as to the extent of the *Itata's* crime; it was not certain whether or not it took on arms at all, and if so, whether they were shipped within the territory of the United States. At the same time, arguments began to arise as to the relative fighting abilities of the *Esmeralda* and the *Charleston*, arguments which the Secretary of the Navy attempted to quash by a statement to the effect that there was no doubt of the *Charleston's* being able to take care of itself.<sup>112</sup>

On the 13th, the report came from Washington that the *Itata* would be seized, not as a pirate but for violation of the customs' laws, disregard of the court, and perhaps for kidnapping. If the *Itata* should beat the *Charleston* to Acapulco, it was expected that the latter would wait outside the harbor until the twenty-four hours allowed by international law should elapse and then capture the *Itata* as it emerged. At the same time wild rumors started coming from Mexico City to the effect that the *Itata* had been sunk; on the 14th, the *Anglo-American* of Mexico City printed a special message from San Blas repeating the story.

On the 16th, the *Charleston* was finally heard from. It reached Acapulco at 6:00 that morning, two hours ahead of the *Esmeralda*. Nothing, however, had been heard of the *Itata*, although the general opinion seemed to be that it had gone south. Captain Remy also gave it as his belief that the *Esmeralda*, if conveying the *Itata* would not surrender it without a fight.<sup>113</sup>

The *Charleston* finished coaling on the 17th, and that evening

<sup>110</sup> *Daily Alta Californian*, May 13, 1891.

<sup>111</sup> *San Francisco Evening Bulletin*, May 12, 1891.

<sup>112</sup> *Daily Alta Californian*, May 13, 1891.

<sup>113</sup> House Doc., pp. 255-6.

started south, leaving the *Esmeralda* in port.<sup>114</sup> Orders had been sent to Captain Remy to try Panama and then watch off Arica.<sup>115</sup> Nothing further was heard from the *Charleston* until May 27, when Captain Remy reported his arrival at Callao, Peru.<sup>116</sup> From thence he sailed to Arica and on June 4, by order of Admiral McCann, the *Charleston* arrived in Iquique.<sup>117</sup> without having seen, or, much less, having captured the *Itata*. Thus ingloriously ended the celebrated "Chase of the *Itata*".

And just as inglorious, from the standpoint of military glamor, was the final return of the *Charleston* and the *Itata* to the port from which the latter had stolen away the evening of May 6.

After putting the deputy marshal ashore at Point Ballast, the *Itata* had proceeded to a point near San Clemente Island previously agreed upon with the *Robert & Minnie*. On the 9th day of May the *Itata* and the *Robert & Minnie* came together about a mile and a half southerly of San Clemente, some forty miles off the coast.<sup>118</sup> There the arms and ammunition bought by Mr. Trumbull were taken from the schooner and put on board the *Itata* in their original packages and the *Itata* left at once for Chile.<sup>119</sup>

Its engines and boilers were in bad shape and its shaft was much out of line; consequently the *Itata* could not make much more than seven knots an hour.<sup>120</sup> Its chronometer was a great deal out.<sup>121</sup> As a result when it hit the Chilean coast at Tocopilla on June 3, the captain did not know what part of the coast he was going to strike. In order to avoid any possibility of

<sup>114</sup> *Daily Alta Californian*, May 19, 1891.

<sup>115</sup> House Doc., p. 253.

<sup>116</sup> *Ibid.*, p. 263.

<sup>117</sup> *Ibid.*, p. 267.

<sup>118</sup> For. Rel. 1892, p. 317.

<sup>119</sup> 48 Fed. Rep. 102. A clean receipt for the delivery of the cargo was signed by George Burt on May 7, at "Southeast Harbor", San Clemente Island, U. S. A. No. 242, U. S. vs. Trumbull, Papers in the case, Government Exhibit No. 7.

<sup>120</sup> House Doc., p. 267.

<sup>121</sup> Sir William Laird Clowes says (p. 151, *supra cit.*), "Her captain, who had let his chronometer run down and had lost his charts, had to navigate by dead reckoning and a general chart of the coast." His account is, however, so full of errors that one is at a loss to know what to believe.



meeting with Balmaceda's ships the *Itata* had followed a course a considerable distance out from shore all the way down.<sup>122</sup> This explains the fact that no other vessel spoke it during the whole trip. Under the circumstances the captain proved himself to be a most skillful navigator and it can well be realized what his chagrin and disappointment must have been when he reached Iquique and learned that all his efforts had been in vain.

On May 10, Admiral Brown, who had been ordered south to relieve Admiral McCann of the command of the United States ships in South Pacific waters,<sup>123</sup> arrived at Iquique and immediately paid his respects to the head of the congressional government. As a result of this interview,<sup>124</sup> on May 13, he received the following communication from the Congressional Minister of Foreign Affairs.

Iquique, May 13, 1891.

The Provisional Government has learned by telegram of the Associated Press that the transport *Itata*, detained at San Diego, California, by order of the United States Government for taking aboard munitions of war, and being in custody of the United States marshal left port carrying that officer, who was landed at a point upon the coast, and continued the voyage. The Government has ascertained nothing respecting any act of the *Itata* since San Diego. If the news be correct, this Government would deplore the conduct of the *Itata* and as an evidence that it is not disposed to support or acknowledge an infraction of the United States law, the subscriber takes advantage of the personal relation you have been good enough to maintain with him since your arrival, to declare to you that as soon as the *Itata* is within reach of orders, this Government will place her, with munitions of war taken aboard at San Diego, at the disposition of the United States through the worthy agency of yourself, in order that the United States laws, interrupted at San Diego may follow their course.

I have the honor to subscribe myself, the Chilean minister of foreign affairs,

"Isidoro Errazuriz."<sup>125</sup>

<sup>122</sup> No. 248, U. S. vs *Itata*. Papers in the case, Deposition of Ira M. Hollis.

<sup>123</sup> House Doc., p. 261.

<sup>124</sup> *Mem. de la Rev.*, p. 192.

<sup>125</sup> House Doc., pp. 253-254.

With this as a start negotiations were carried to a successful conclusion. On May 16, Admiral Brown was placed at liberty to state

unofficially and informally that if the *Itata* is restored to the custody of the United States marshal, with the arms and munitions of war received from the schooner *Robert & Minnie*, it will entirely relieve the present situation.<sup>126</sup>

At the same time the orders as to the seizure of the *Itata* were changed to read,

If *Itata* is found in the territorial waters of any government except Chile, do not seize, but watch and telegraph Department.

The United States authorities, however, took no chances; the *Charleston* was ordered to follow the *Esmeralda* and see that no transfer of arms was made from the *Itata* to the *Esmeralda* and Admiral McCann was ordered to remain in the waters of northern Chile with the *Pensacola* until the return of the *Itata* was definitely assured.<sup>127</sup> On the 17th, Admiral Brown, having received written assurance from the congressional government that the *Itata* would be returned, wired the navy department that he considered the orders respecting the chase of the *Itata* revoked.<sup>128</sup> Confirmation of this policy was immediately received by him, together with the statement:

Department expects you will see that the *Itata* is returned to custody of court at San Diego with everything on board. The method and manner are left to your discretion.<sup>129</sup>

During the next few days the news of the negotiations began to leak out in the newspapers. Unfortunately, they were not entirely consonant with the facts of the case; one statement was to the effect that it was expected the *Itata* would be allowed to unload before its surrender. This bit of news excited some un-

<sup>126</sup> *Ibid.*, p. 255.

<sup>127</sup> *Ibid.*, p. 257.

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*, p. 258.

easiness in the minds of the authorities at Washington and on May 21, Mr. Tracy wired McCann:

A report comes from the Congressional Agents in Paris that the ship only is to be given up and not the arms. This is contrary to promises reported and Admiral McCann is instructed to guard against such a breach of faith.<sup>130</sup>

To this McCann replied that

the insurgents promise that if the *Itata* comes within their control she will be ordered to Iquique.<sup>131</sup>

Later the administration again became disquieted by rumors to the effect that the arms had already been delivered to the *Esmeralda*, which had finally succeeded in coaling at Acapulco, Admiral McCann once more took the matter up with the Congressional authorities. They replied,

The commander of the *Esmeralda* has orders to surrender the arms received from the *Itata* or schooner,—this order will be repeated, and—not an article will be landed until arrangements are made for their surrender at San Diego.<sup>132</sup>

During all these negotiations both governments were completely in the dark as to the whereabouts of the *Itata*, doubts which were not removed until June 3, when the *Itata* arrived at Tocopilla, 120 miles south of Iquique. The same night the vessel was ordered to report to Iquique. Although it had communicated with the *Esmeralda* off Acapulco, it had made the rest of the trip without touching any port or speaking any vessel. The following<sup>133</sup> day, June 4, an aid from Captain Montt, the head of the congressional party, advised Admiral McCann that the *Itata* was at his disposition.<sup>134</sup>

At first, in spite of its agreement, the congressional party was

<sup>130</sup> *Ibid.*, p. 259.

<sup>131</sup> *Ibid.*, p. 260.

<sup>132</sup> House Doc. p. 264.

<sup>133</sup> *Ibid.*, p. 266.

<sup>134</sup> *Ibid.*, p. 267.

inclined to put obstacles in the way of the actual return of the *Itata*. The Minister of Foreign affairs attempted to show that the transfer of arms had been made outside the jurisdiction of the United States,<sup>135</sup> and later a delay was attempted by retarding as much as possible the repair work necessary to put the *Itata* in shape for the return voyage.<sup>136</sup> Admiral McCann, however, was adamant in his refusal to admit of any deviation from the agreement. A force of engineers from the United States warships was sent aboard the *Itata* to make the necessary repairs, and, these done,<sup>137</sup> the *Itata* left for San Diego on the evening of the 13th, convoyed by the *Charleston*.<sup>138</sup>

The return trip was made without incident. Captain Tejada of the *Itata* accepted the situation in sportsmanlike manner.<sup>139</sup> Four times during the voyage he sent on board the *Charleston* fresh meat for the entire crew, and offered to let the *Charleston* have coal if it should be needed. Captain Remy returned the compliments as far as possible, sending to Captain Tejada a supply of California wines and cigars.<sup>140</sup> On July 4, the two ships reached San Diego. The *Itata* was taken charge of by the collector of the port<sup>141</sup> until the 8th, when, in response to orders from District Attorney Cole, Marshal Gard formally made the second seizure of the *Itata*, and, this time, also took possession of the arms and ammunition.<sup>142</sup>

5. *The return of the Itata and consequent loss of its cargo was a bitter blow, and engendered much hard feelings—feelings which were not lessened by the fact that eventually when the case came to trial, the court decided in favor of the Itata, and thereby stamped the whole Itata Incident as having been, at least from the standpoint of the congressional party, quite unnecessary.*

<sup>135</sup> For.Rel., 1892, p. 317.

<sup>136</sup> House Doc., p. 26.

<sup>137</sup> *Ibid.*, p. 269.

<sup>138</sup> *Ibid.*, p. 271.

<sup>139</sup> *Mem. de la Rev.*, p. 406. Capt. Manzenn, previously mentioned, was only the navigating officer of the *Itata*, and Captain Tejada was the real representative of the Congressional Party.

<sup>140</sup> House Doc., p. 274.

<sup>141</sup> *San Francisco Evening Bulletin*, July 8, 1891.

<sup>142</sup> Cole papers.

It is hardly necessary to state that the return of the *Itata* excited a very bitter feeling against the United States among the members of the congressional party.<sup>143</sup> Up to the 3rd of June, the revolutionists had not received any arms from abroad.<sup>144</sup> Only six thousand men had been enlisted in the army; ten thousand might easily have been enrolled but there were no arms for them to use, and therefore they were kept busy in the nitrate fields producing the revenues which it was hoped some day could be converted into munitions of war.<sup>145</sup> As a result, the leaders of the congressional party had a hard time keeping up the morale of its army; although very high at the beginning of the struggle, it gradually dropped as no arms were to be had, and the prospect of getting any seemed rather indefinite. Furthermore, the congressional party felt that its success depended on an aggressive campaign which it knew must be undertaken before the arrival of the two ships being finished in Europe for Balmaceda. Once he should have at his command the *Presidentes Errazuriz* and *Pinto*, Balmaceda would in all probability be able to gain control of the sea and in that case the cause of the congressional party would be lost.<sup>146</sup>

It was later claimed that the loss of the *Itata's* cargo delayed the congressional advance for at least two months,<sup>147</sup> a period which was important not only because of the danger of the arrival of the *Presidentes* in the interim, but also because of the fact that living conditions were exceedingly difficult in Iquique. The town lies on a level sandy tract standing out at the foot of barren hills which rise to a height of some two to three thousand feet immediately behind it. On either side of the town, and not more than a mile or so from it, the hills approach the sea again, so that the only means of reaching the interior is by surmounting them. As rain never falls in this district the hills are perfectly destitute of verdure.<sup>148</sup> Consequently all the necessities

<sup>143</sup> House Doc., p. 274; For. Rel., 1892, p. 141.

<sup>144</sup> Vicente Grez, *Viaje de Destierro* (Santiago, 1893), pp. 83-84.

<sup>145</sup> House Doc., p. 254.

<sup>146</sup> Dyer, *ut supra*, *Californian Illustrated Magazine* I, 139.

<sup>147</sup> José M. Santa Cruz, in *North American Review* CLIII, 412.

<sup>148</sup> A. P. Crouch, "The Bombardment of Iquique", in *Nineteenth Century*, XXIX. (1891), 998.

of life, food supplies, and coal had to be bought from coasting tramp steamers.<sup>149</sup> A large part of the foodstuffs had previously come from southern Chile, as they still do today for this region, but as southern Chile was in the hands of the Balmacedists the normal trade was interrupted. In February, the steamer *Esmeralda* overhauled the British S. S. *West Indian* and it was only by standing firmly upon his rights as an Englishman that the captain was able to prevent the seizure of the cargo after he had refused to succumb to offers calculated to make the most obdurate captain release his cargo.<sup>150</sup> The scarcity of powder was so great during the time the *Charleston* was in the harbor that the usual salutes were dispensed with.<sup>151</sup>

As a final summing up of what the departure of the *Itata* must have meant to the congressional party, the best that one can do is to give the statement of Agent Trumbull to a reporter in Washington,

If we had 5,000 arms we could wipe Balmaceda's army off the face of the earth.<sup>152</sup>

This statement was eventually proved true, but the arms used were not those purchased by Mr. Trumbull.

With the delivery of the *Itata* into the hands of the United States marshal at San Diego, the *Itata* Incident may be considered closed as regards its effect on the United States relations with the congressional party. From that time on it merges with the other incidents which eventually lead up to the *Baltimore* Affair.

Early in September 1891, Balmaceda was overthrown and with his suicide on the 18th of September, the day on which his term officially came to a close, all opposition to the congressional party ceased. This of course cast a different light on the status of the *Itata* and although it is an open question as to whether or

<sup>149</sup> *Daily Alta California*, May 15, 1891; *San Franciscan Evening Bulletin*, May 14, 1891.

<sup>150</sup> *San Francisco Evening Bulletin*, May 14, 1891.

<sup>151</sup> No. 242, U. S. vs. *Itata*, Papers in the case, Deposition of Ira M. Hollis.

<sup>152</sup> *San Francisco Evening Bulletin*, June 11, 1891.

not in the opposite case the government would have won its suits against Trumbull, the *Itata*, and the arms and ammunition, the fact of the matter is that Judge Ross continued the line of reasoning he laid down in his dismissal of the case against the *Robert & Minnie*,<sup>153</sup> July 6, 1891, and decided the other three cases also in favor of the defendants.<sup>154</sup>

The *Itata* meanwhile had been released under bond on October 4, left San Diego two days later, and arrived at Valparaiso, November, 4, 1891.<sup>155</sup>

The cases against the *Itata* and the Arms and Ammunition were appealed, but the circuit court of appeals, 9th circuit, on May 8, 1893 upheld the decisions of Judge Ross.<sup>156</sup> It is possible that had President Harrison been reelected the case would have been carried to the supreme court, but President Cleveland did not see fit to push the matter any further. It is significant, however, that in the case of the United States vs. *Three Friends*,<sup>157</sup> a case very similar to that of the *Itata*, the line of reasoning which had been followed by Judges Campbell and Hutton who had represented the government in the *Itata* cases, was cited and followed and the decision of the lower court was this time reversed.<sup>158</sup>

In conclusion it may be pointed out that an investigation of the part which the *Itata* Incident played in the politics of the period should produce a most interesting chapter in American history. It was made the basis for a bitter attack on Mr. Foster when he became secretary of state in 1892;<sup>159</sup> it was used by the enemies of Attorney General Miller to oppose his appointment to the supreme bench in the spring of 1892;<sup>160</sup> and it provided the Democratic party with a weapon by the use of which they succeeded in making a vigorous assault on the foreign policy

<sup>153</sup> 47 Fed. Rep. 84-85.

<sup>154</sup> 48 Fed. Rep. 99; and 49 Fed. Rep. 646.

<sup>155</sup> *Mem. de la Rev.*, p. 409.

<sup>156</sup> 56 Fed. Rep. 505.

<sup>157</sup> 166 U. S. 1.

<sup>158</sup> Opinion expressed in a letter to the writer by Judge A. W. Hutton.

<sup>159</sup> *Los Angeles Times*, July 4, 1892.

<sup>160</sup> Cole papers.

of Mr. Harrison.<sup>161</sup> It had a bearing on local California politics. On the basis of his alleged mishandling of the *Itata* case, District Attorney Cole was removed to provide a position for a member of Senator Stanford's political organization.<sup>162</sup>

In the world of international commerce, the *Itata* Incident excited much comment. It served to bring into public view the part which the two great rivals for the trade of Chile were playing in the Chilean War. It was even claimed that the firms of Flint & Co. and W. R. Grace & Co. were attempting to prolong the war for the benefits which they were deriving and would derive if the parties which they were respectively supporting should win.<sup>163</sup> While the latter supported the congressional party, Mr. Charles R. Flint "Intelligently and selfsacrificingly supported Mr. Lazcano in his laborious tasks".<sup>164</sup>

In England the *Itata* Incident was rather damaging to our diplomatic reputation. Englishmen were inclined to regard the escape of the *Itata* as an evidence of the pluck and self-reliance which characterized the Chilean navy.<sup>165</sup> Smarting still under the blow to their pride which the *Alabama* Claims Decision gave them, a certain prominent member of the English press did not hesitate to brand the escape of the *Itata* as a "plant" and to make the remark that:

On the face of it what appears is that the *Itata* was allowed to load her contraband of war by the connivance of the authorities, State and Federal.<sup>166</sup>

Finally, the story of the trials themselves remains to be written. Some of the finest legal talent in California, Judges Campbell, Hutton, and White and Mr. George Denis all of Los Angeles, and the firm of Page & Eels of San Francisco appeared before Judge Ross. John W. Foster of Washington represented the

<sup>161</sup> *San Francisco Evening Bulletin*, September 22, 1891.

<sup>162</sup> Cole papers; *Los Angeles Times*, June 8, 1892. An open letter to Mr. Miller by Blanton Duncan.

<sup>163</sup> *Daily Alta Californian*, May 8, 1891.

<sup>164</sup> Bañados Espinoza, *ut supra*, II. 419.

<sup>165</sup> Crouch, *ut supra*, p. 1014.

<sup>166</sup> *Saturday Review*, LXXI. 582.



Balmaceda party, Judge William W. Goodrich of New York looked out for the interests of the *Itata*, and solicitor General William Howard Taft, now chief justice of the supreme court, was also brought into the case from time to time.

OSGOOD HARDY.